

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCOTT M. EPSTEIN,

Plaintiff,

v.

C.R. BARD, INC., *et al.*,

Defendants.

Civil Action No. 03 CV 12297 (RWZ)

BARD'S MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Fed. R. Civ. P. 12(c), Bard moves for judgment on the pleadings for the reasons detailed in the accompanying memorandum.

LOCAL RULE 7.1(a)(2) CERTIFICATION

Counsel for Bard and Epstein have attempted but failed to resolve or narrow the issues raised by this motion.

LOCAL RULE 7.1(d) REQUEST FOR ORAL ARGUMENT

Defendant C.R. Bard, Inc. hereby requests oral argument, should the Court deem it necessary.

DATED: August 25, 2004

Respectfully Submitted,

C.R. BARD, INC.

By its counsel,

/s/ Andrew Good

Andrew Good

BBO # 201240

/s/ Matthew Zisow

Matthew Zisow

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon each attorney of record on August 25, 2004 by first-class mail.

/s/ Matthew Zisow
Matthew Zisow

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